

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-28 are currently pending. Claims 20, 22, and 26 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-28 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent 6,631,247 (hereinafter “the ‘247 patent”); Claims 1-28 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent 6,714,971 (hereinafter “the ‘971 patent”); Claims 1-28 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-49 of co-pending Application No. 10/423,983 (hereinafter “the ‘983 application”);¹ Claims 1-28 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-49 of co-pending Application No. 10/638,540 (hereinafter “the ‘540 application”); Claim 20 was rejected under 35 U.S.C. §112, first paragraph, regarding the term “local”; Claims 1, 2, 4, 6-12, 14, and 16-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0091944 to Anderson et al. (hereinafter “the ‘944 application”); Claims 3, 5, 13, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘944 application in view of U.S. Patent Application Publication No. 2003/0018780 to Kawashima (hereinafter “the ‘780 application”); Claims 21, 22, 24-26, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘944 application; and Claims 23 and 27 were

¹ However, Applicant notes that the ‘983 application has now been patented as the above-referenced ‘971 patent.

rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘944 application in view of U.S. Patent 6,477,667 to Levi et al. (hereinafter “the ‘667 patent”).

Applicant respectfully submits that the double-patenting rejections of the claims with respect to the ‘247 patent, the ‘971 patent, and the ‘540 application are rendered moot by the Terminal Disclaimer filed herewith. Further, as stated above, Applicant notes that the cited ‘938 application corresponds to the issued ‘971 patent.

Applicant respectfully submits that the rejection of Claim 20 under 35 U.S.C. §112, first paragraph, is rendered moot by the present amendment to Claim 20. Claim 20 has been amended to no longer recite that the second computer is “local” to the device.

Applicant respectfully traverses the rejections of Claims 1-20, which are based on the ‘944 application and the ‘780 application. In this regard, Applicant notes that the ‘944 application has a priority reference date of January 10, 2001. Further, the ‘780 application has a reference date of June 19, 2002. The present application was filed on September 22, 2003, but is a continuation-in-part (CIP) of Application No. 09/408,443, filed September 29, 1999 (now U.S. Patent 6,631,247). In this regard, Applicant notes that Claims 1-20 correspond to Claims 1-20 of the ‘247 patent except that independent Claims 1 and 10 do not recite the “local” limitation recited in the ‘247 claims. In other words, Applicant respectfully submits that Claims 1-20 do not rely on the subject matter added to the present application when the present application was filed on September 22, 2003, and that Claims 1-20 are entitled to the earlier filing date of September 29, 1999. Accordingly, Applicant respectfully submits that the ‘944 and ‘780 applications do not qualify as prior art references against Claims 1-20. Accordingly, Applicant respectfully submits that the rejections of Claims 1-20 should be withdrawn.

Similarly, Applicant notes that the ‘677 patent has a reference date of October 7, 1999. In addition, Applicant notes that Claims 21-28 as amended, are entitled to a filing date

of September 29, 1999, and do not rely on the subject matter added when the CIP was filed on September 22, 2003. Accordingly, Applicant respectfully submits that the rejections of Claims 21-28, which are based on the '944 application and '677 patent, should be withdrawn.

Further, Applicant notes that the '944 application does not disclose information obtained from sensors of a network device, as recited in the independent claims. For this additional reason, Applicant respectfully submits that the present claims patentably define over the '944 application.

Thus, it is respectfully submitted that independent Claims 1, 11, 21, and 25 (and all associated dependent claims) patentably define over any proper combination of the '780 application, the '944 application, and the '677 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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